



DEPARTMENT OF LAW  
OFFICE OF THE  
Attorney General  
STATE CAPITOL  
Phoenix, Arizona 85007

BRUCE E. BABBITT  
ATTORNEY GENERAL

March 30, 1977

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ARIZONA ATTORNEY GENERAL

Honorable John Hays  
Arizona State Representative  
State Capitol  
Phoenix, Arizona 85007

Re: 77-79 (R77-110)

Dear Representative Hays:

You have asked our advice whether it is constitutional for the state to grant preferential rights to only "a bonafide resident of the State" as stated in Arizona Revised Statutes 37-291.

The Arizona Supreme Court has rather extensively discussed the meaning of the preference clause in a case entitled Manning v. Perry, 48 Ariz. 425, 62 P.2d 693 (1936). By implication at least, the Court's opinion treats the statute as a constitutional enactment, and we are not aware of any substantial legal arguments to the contrary.

Please let me know if we can be of further assistance.

Sincerely,

Bruce E. Babbitt  
Attorney General

BEB:cl

cc: Andrew L. Bettwy  
State Land Commissioner